

REMARKS

Currently, claims 1, 4-9, 12, 13, 16-27, 31-37, 39-45, 49-56, 58-61 and 64-70 remain pending, including independent claims 1, 27, 45 and 49. Claim 1, for instance, is directed to a smoking article that comprises a first component which includes a column of a smokable filler and a second component that comprises a wrapper surrounding the column. A carbon monoxide reducing agent comprising a hydrated ferric oxide is contained in the second component. The carbon monoxide reducing agent is present in the second component in an amount of at least about 3% by weight of the wrapper and an amount sufficient to reduce carbon monoxide delivery in mg per smoking article by at least 10%. As now amended, claim 1 further requires that the wrapper comprise either a paper web or a web of reconstituted tobacco.

As stated in the present specification, the present inventors discovered that metal oxides, and particularly hydrated ferric oxides can dramatically reduce carbon monoxide levels in the mainstream smoke of a smoking article. Of particular advantage, the present inventors also discovered that the hydrated ferric oxides can reduce carbon monoxide levels even when incorporated into the wrapper.

In the Office Action, claims 1, 6, 16-21, 23-26, 27, 32-35, 49 and 50-56 were rejected under 35 U.S.C. § 112 as being based on a disclosure which is not enabling. Specifically, the Office Action stated that the claims describe a smoking article in terms of the results of testing; however, the testing conditions are only described for a cigarette, with no information about other smoking articles such as cigars, pipes, and cigarillos. Applicants respectfully request reconsideration in view of the following.

Applicants respectfully submit that the specification is fully enabling for one skilled in the art to construct a smoking article as defined in the claims. As presently amended, all of the independent claims require not only a column of a smokable filler but also a wrapper that comprises a paper web or web of reconstituted tobacco. As such, the claims do not relate to a pipe. Furthermore, the application specifically discloses percent-weight values for the wrapper and carbon monoxide reducing agent in a smoking article with a wrapper comprising a paper web or web of reconstituted tobacco. As such, one of ordinary skill in the art would know how to construct a smoking article that contains a wrapper comprised of paper or reconstituted tobacco

with the appropriate weight ratios in order to obtain the desired and claimed carbon monoxide reduction.

Clearly, the specification provides a sufficient description and teaching for one skilled in this field to reproduce the inventions defined in the above claims. Therefore, Applicants respectfully request withdrawal of the above §112 rejections.

In the Office Action, independent claims 1, 27 and 45 were also rejected under 35 U.S.C. §103 in view of the combination of Lewton and Heim and further in view of Snaidr. The Office Action admits that neither Lewton nor Heim teach the addition of a hydrated ferric oxide in the cigarette wrapper. Incredibly, however, the Office Action asserts that it would have been obvious to modify Lewton and Heim in view of Snaidr, since Snaidr teaches to reduce sidestream smoke and the catalysts of Lewton and Heim would have been known to be oxygen storage and donor metal oxide oxidation catalysts. However, the oxygen storage and donor metal oxide oxidation catalyst taught by Snaidr is chemistry completely unrelated to that of Lewton and Heim. The hydrated ferric oxide that is allegedly disclosed by the combination of Lewton and Heim is not taught by Snaidr to be an oxygen storage and donor metal oxide oxidation catalyst. Thus, even if Lewton and Heim were somehow combinable with Snaidr, the resulting device would still not meet all of the limitations of the currently pending claims. More particularly, even if the oxygen storage and donor metal oxide oxidation catalyst of Snaidr were somehow incorporated into the wrappers of the articles taught in Lewton or Heim, the resulting structure would still not contain a hydrated ferric oxide in the wrapper of a smoking article as required by the independent claims. Thus, Applicants submit that the claims patentably define over the proposed combination of references.

Furthermore, one skilled in the art using common sense would not have considered somehow moving the iron pigments disclosed in Lewton or the metal oxyhydrates disclosed in Heim from the tobacco filler into a wrapper in view of Snaidr, absent using improper hindsight analysis.

In the Office Action, independent claim 49 was rejected over Lewton in combination with Heim and further in combination with Snaidr and still further in combination with Hampel. For at least the reasons discussed above, Applicants submit

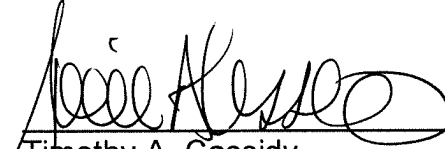
that claim 49 also patentably defines over the cited references alone or in combination. In particular, HampI fails to cure any of the above noted deficiencies.

In the Office Action, various other dependent claims were rejected in view of the cited references. Applicants submit, however, that the dependent claims further limit and define the invention and thus are also in condition for allowance. The remaining cited references in the Office Action also fail to cure any of the above noted deficiencies.

In summary, Applicants submit that the present application is in complete condition for allowance. Should any issues remain after consideration of this Response, however, then Examiner Felton is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

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